



**Members:**

Rep. Dale Sturtz, Chair  
Rep. Ralph Foley  
Sen. Patricia Miller, Vice Chair  
Sen. Anita Bowser

**Lay Members:**

John von Arx  
Jim Brewer  
Mary Beth Bonaventura  
Glenn Boyster  
Robert Chamness  
Steve Cradick  
Chris Cunningham  
Sharon Duke  
Lance Hamner  
Craig Hanks  
Joe Hooker  
Iris Kiesling  
David Matsey  
Dave Powell  
Madonna Roach  
Thomas Ryan

## **PROBATION SERVICES STUDY COMMITTEE**

**Legislative Services Agency  
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Indianapolis, Indiana 46204-2789  
Tel: (317) 232-9855 Fax: (317) 232-2554**

### **MEETING MINUTES**

**LSA Staff:**

Mark Bucherl, Fiscal Analyst for the Committee  
Christi Megna, Attorney for the Committee

**Authority: P.L. 131-1998**

Meeting Date: July 16, 1998  
Meeting Time: 1:00 P.M.  
Meeting Place: State House, 200 W. Washington St., Room 404  
Meeting City: Indianapolis, Indiana  
Meeting Number: 1

**Members Present:** Rep. Dale Sturtz, Chair; Rep. Ralph Foley; Sen. Patricia Miller, Vice-Chair; Sen. Anita Bowser; Mary Beth Bonaventura; Jim Brewer; Robert Chamness; Chris Cunningham; Sharon Duke; Lance Hamner; Craig Hanks; Joe Hooker; Iris Kiesling; Dave Powell; Madonna Roach; Thomas Ryan.

**Members Absent:** Glenn Boyster; Steve Cradick; David Matsey; John von Arx.

### **Introduction**

The meeting began at 1:07 p.m. Sen. Patricia Miller assumed the chair for Rep. Dale Sturtz who excused himself to attend a funeral. Sen. Miller asked for a discussion of the committee's charge, as follows:

***Committee Assignment (P.L. 131-1998; expires 11/1/00)***

*The committee shall study, review and make recommendations concerning: (1) The mission of probation services. (2) Duties, roles and responsibilities of probation officers. (3) Organizational changes considered necessary. (4) Improvements to salary schedules and benefits available. (5) Training standards. (6) Caseload and case classification standards. (7) Methods and levels of funding.*

### **Committee Discussion**

Jim Brewer stated that probation is a key public service because of its role in rehabilitating offenders. Thomas Ryan responded that probation is often misinterpreted as a solution for many justice issues for which it was not intended. He suggested that plea agreements make enforcement difficult and that little time is available for more thoughtful decisions. Sen. Miller asked if the probation population was too large. Judge Ryan replied that more persons are probably sentenced to probation than can benefit from the service.

Dave Powell stated that, as jails have become increasingly crowded, probation has become a sentencing alternative. He cited the recent growth in his Greene County probation department from one to five probation officers. He added that probation is different in every court jurisdiction and that one goal of the

Committee could be to standardize aspects of probation, such as caseloads and salaries. Sen. Miller asked what entity should make these types of decisions. Mr. Powell said that control varies from county to county and that judges often contend with county councils over issues such as increasing probation officer salaries. Sen. Anita Bowser stated that probation officers deserve higher, professional-level salaries. Mr. Brewer replied that probation officers must have college degrees and mandatory continuing education. He added that it is difficult for his Knox County probation department to compete with the local school corporation on teacher salaries, despite the judicial conference minimum salary scale. Sen. Miller commented that the Committee should consider what entity should have the authority to set salaries and whether local government should be vested with it.

Judge Ryan stated his concern over the legal authority of probation officers, especially regarding their range of duties between rural and urban areas. He suggested the need to define expectations for officers and their authority to act in certain situations, such as in circumstances where violence is possible. Judge Ryan added that in Allen County probation officers are prohibited from entering areas with unpredictable hazards.

Sen. Bowser commented that the in-depth training given to police officers at the Indiana Law Enforcement Academy might also benefit probation officers. She suggested that the Committee consider endorsing this type of training to aid probation officer competence. Judge Ryan agreed, but offered these cautionary notes: (1) Law Enforcement Academy training is very expensive; (2) significant numbers of probation officers would be difficult to fit into classes at the Academy; and (3) law enforcement and probation are often perceived as having competing interests.

Mary Beth Bonaventura stated that probation officers should focus on service to persons involved in criminal or delinquent behavior and not on specialties such as counseling. Judge Ryan responded that the Allen County probation department acts as a broker of services. Mr. Brewer explained that probation officers' duties entail many facets, including pre-sentence investigations and background checks. He added that juvenile probation officers become involved in cases very early in the judicial process. Mr. Powell stated his concern with probation's involvement in juvenile child-in-need-of-services (CHINS) cases.

Sen. Miller asked where information might be gathered to address the seven points of the Committee's assignment. Jeff Bercovitz, Indiana Judicial Center, stated the following: (1) The Center could provide much general data on probation. (2) Indiana-specific offense and plea agreement data are unavailable, through national study results exist. (3) The Center has begun to publish Indiana statistics on the risk of probationers committing new offenses. (4) The Center does not track probation details such as revocations for user fee violations. Mr. Brewer replied that there is no means of categorizing revocations due to technical violations.

Sen. Bowser asked that all available data be collected from counties which maintain heavy probation caseloads, including: (1) specific types of cases reviewed; (2) salary schedules; (3) revocation hearing processes; (4) levels of training; and (5) probation officer educational backgrounds. She added that testimony from individual probation officers could be helpful. Craig Hanks commented that probation is a facet of community corrections programming and is used as an alternative to imprisonment in the Department of Correction (DOC). He questioned how successful probation is in keeping persons out of prison. Mr. Bercovitz responded that DOC probation revocation data might provide that answer. Judge Ryan suggested that Judicial Center data regarding persons on probation be compared with DOC data on revocations.

Mr. Hanks suggested that the Committee study the issue of where probation services would be best administered, at the local level or at the state level. He added that in some states probation is part of the DOC. He suggested that the Committee examine practices and models in other states. Sen. Bowser recommended that all probation departments have computer tracking systems to aid probation officers in their duties.

Mr. Powell asked for three pieces of information: (1) a summary of the funding measure implemented in Missouri allowing for a local option income tax to fund court operations; (2) testimony from public defenders regarding their views of probation; and (3) copies of all Indiana statutes and rules that apply to the probation issues assigned to the Committee. Judge Ryan indicated his interest in exploring alternative funding, since 80% of Allen County general funding is used for court and criminal functions. He also

suggested the Committee examine the following: (1) North Carolina's statewide criminal information system; (2) the community control concept which combines probation officers and police in teams; and (3) probation officer job descriptions within "mature" probation departments.

Mr. Cunningham suggested that the Committee examine every probation department's duties and responsibilities with the goals of establishing certain standards. Mr. Brewer requested all available Indiana probation department statistics. Lance Hamner requested an overview of probation practices in all 50 states as well as federal practices. This information could be used by the Committee to generate alternatives to Indiana probation practices.

Joe Hooker suggested that the Committee be mindful of the variety among Indiana's 145 probation departments, some of which operate with one person, others with hundreds. Mr. Hooker also asked the Committee to consider the following: (1) how long a person should be on probation; (2) whether probation sentence length should be determined by the legislature or judges; and (3) the role of probation officers in post-commitment, when a portion of a sentence is suspended.

Mr. Brewer asked for the following information: (1) state data on inmates and bed space; (2) how split sentencing is handled between probation and parole offices; (3) what factors determine whether it is more beneficial to use probation or parole; (4) DOC's parole department's mission; and (5) how the personal philosophies of prosecutors affect filing rates and what is ultimately filed for probation.

Mr. Chamness stated that there are widely varying opinions on probation officer duties. He added that the Committee has a opportunity to explore probation issues that are rarely addressed due to court enforced confidentiality of much probation communication. Mr. Chamness reiterated that probation serves a vital function and is necessary to the state.

### **Information Requested for Future Meetings**

Sen. Miller summarized the information requests made by Committee members. She asked that Mr. Bercovitz present all pertinent data the Indiana Judicial Center has concerning probation. She also requested Legislative Services Agency staff to work with Mr. Bercovitz in gathering other data not readily available. She requested that Frank Hall, chief federal probation officer for the southern Indiana district, be asked to testify on federal probation aspects. Mr. Powell asked that the Prosecuting Attorneys' Council be allowed to testify. Judge Ryan asked for information on the frequency of revocations for technical probation violations (as opposed to legal violations) in counties. Mr. Bercovitz replied that the Judicial Center did not gather that specific information. Chris Cunningham suggested that probation statistics presented to the Committee be arranged by county when possible. Sharon Duke added that probation statistics be placed in context with each county's population. Mr. Powell asked that information to be addressed by the Committee at the next meeting be sent to members beforehand.

Nicolas Pasyanos, Indiana Association of Counties, asked for the opportunity to make a presentation on behalf of the Association's interest and research in this area. Judge Ryan advised Mr. Pasyanos to provide a list of Association issues to staff before the next meeting.

### **Next Meeting**

Sen. Miller tentatively scheduled the next meeting of the Committee for 1 p.m., August 27, pending the approval of Chair Sturtz. There being no further business, the meeting adjourned at 2:20 p.m.